

SUBJECT: DECISION ON TERMINAL DISCLAIMERS INFORMAL FORM

DATE: 2-8-00
TO EXAMINER: Sargent

APPL. S.N.: 07137392
ART UNIT: 1711

PARALEGAL: DEBORAH THOMAS

MAILROOM DATE 2-1-00

AFTER FINAL YES ✓ NO

NUMBER OF T.D(S). FILED _____

AFTER FINAL YES ☒ NO ☐ NUMBER OF T.D(S). FILED _____

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T.D. If you disagree with my analysis or have questions at all about the acceptability of the T.D., please see me or our Special Program Examiner. **THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE IN LEFT IN FILE. WHEN YOUR OFFICE ACTION IS COMPLETED, YOU MUST INITIAL AND DATE & RETURN THIS MEMO TO ME.**

☒ The T.D. is PROPER and has been recorded. (See 14.23).

☒ The T.D. is PROPER and has been accepted.

☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24).

☐ The recording fee of \$_____ has not been submitted nor is there any pre authorization in the application file to charge to a deposit account. (See 14.25).

☐ Application Examiner has not processed T.D. fee. (See fee authorization).

I] The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T.D. has not stated his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent. (See 14.26 and 14.26.1).

1] The T.D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting rejection, Rule 321(c). (See 14.27, 14.27.1).

☐ It is directed to a particular claims(s), which is not acceptable since "the disclaimer must be of a terminal portion of the term of the entire patent to be granted." MPEP 1490. (See 14.26, 14.26.2).

I] The person who signed the terminal disclaimer:
 I have failed to state his/her capacity to sign

☐ has failed to state his/her capacity to sign for the business entity, (See 14.28).
☐ is not an officer of the assignee. (See 14.29 and possibly 14.2)

☐ has failed to state his/her capacity to sign for the business entity, (See 14.29).

I] No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame specified as to where such evidence is recorded in the office. 37 CFR 3.73(b). (See 1140 O.G. 72). **NOTE:** This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30).

I] No statement specifying that the evidentiary documents have been reviewed and that, to the best of the assignee's knowledge and belief the title is in the assignee seeking to take action. 37 CFR 3.73(b). (See 1140 O.G. 72).

I] The I.D. is not signed. (See 14.26, 14.26.3).

☒ **Attorney not of record in oath/decl. or a separate paper filed appointing a new or associate attorney.**

☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32).

1] The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed is missing or incorrect. (See 14.32).

I] The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3).

11 Other